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UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-16 and 19-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-16 and 19-21* is/are rejected.

7)☒ Claim(s) *22-25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 06/07/07 has been entered.

Response To Applicant's Arguments

In general, Applicant argues that the prior art does not teach "receiving a request for

valuation of a coupon from a retailer" and "accessing market demand information for a product

corresponding to the coupon in response to the request", as recited in at least the independent

claims. The Examiner completely and respectfully disagrees with the Applicant's findings. For

example, Spector teaches, inter alia, a system that enables a manufacturer to alter in real-time the

discount value associated with a product and corresponding with future printed coupons

dispensed within retailers' locations or supermarkets' based on received redemption data **(or**

based on received or requested market demand data related to a product associated with a

distributed coupon) related to printed coupon identifying the product (col. 1. 66: to col. 2: 50.

Here, it is desirable, that if a new product is being heavily promoted by way of discounts

coupons, that these coupons be made directly available to shoppers at the supermarket, for most

shopper decisions are made at a point of purchase, not when the shopper sees a coupon in a

magazine or newspaper. **Also desirable is that the manufacturer be advised on-line, as it**

were, in regard to the volume of sales of a particular discounted item, for then should the

volume be disappointing, he can further mark down the item by increasing the discount, or

should the volume be greater than anticipated, he can decrease the discount (receiving by a retailer or manufacturer valuation or performance of a distributed coupon and, based on the received or requested/accessed market demand data or volume of sales of the product associated with the distributed coupon, determining/setting a new coupon value for future printed and distributed coupons related to the same product, i.e. increasing or decreasing the coupon value corresponding to future printed and distributed coupons related to the same product based on the volume of sales (market demand data) corresponding to the product). See Col. 4: 15-26).

DETAILED ACTION

Specification

Claims Status

Claims 1-6, 9-16, 19, 20 and 21-25 are currently pending in the Application, while claims 7, 8, 17 and 18 are being canceled.

General Comments

Regarding claim 1, line 3, "distributing at least one coupon" should apparently be - - distributing at least one coupon having a coupon value--.

Further, regarding claim 1, line 9, "setting a coupon value based on the market demand value; and" should apparently be - - resetting (changing or adjusting) the coupon value of the at least one distributed coupon based on the market demand value; and.....-- or - - setting a new coupon value for the least one distributed coupon based on the market demand value;- -.

The same remarks hold true for claims 11 and 21.

Claim Objections

Claims 22 and 24 is objected to because of the following informalities:

Concerning claims 22 and 24, "The method of claim 1 wherein the coupon value is determined based on..." should apparently be --The method of claim 1, wherein the coupon value is set based on...--.

Appropriate corrections are required.

Allowable Subject Matter

Claims 22 and 23 are objected to as being dependent upon rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Here, the Applicant should first incorporate the limitations of claim 22 into base claim 1, using perhaps a wherein clause, followed by the limitations of claim 23, introduced by a wherein clause. In other words, the limitations of the dependent claims should be included in base claim 1.

Claims 24 and 25 are objected to as being dependent upon rejected base claim 11, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Here, the Applicant should first incorporate the limitations of claim 24 into base claim 11, using perhaps a wherein clause, followed by the limitations of claim 25, introduced by a wherein clause. In other words, the limitations of the dependent claims should be included in base claim 11.

Finally, the Applicant can also amend base claim 21 using the limitations of dependent claims 22 and 23.

Claim Rejections - 35 USC § 102   •

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year prior
to the date of application for patent in the United States.

Claims 1-6, 9-16, 19, 20 and 21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Spector, USP 5,176,224.

As per claims1-6, **9-16, 19, 20 and 21,** Spector discloses a closed-loop computer-

controlled merchandising coupon system including a coupon printer-dispenser installed at each

supermarket, thereby making it possible for a shopper to receive a merchandising coupon

entitling him/her to a specified discount on the product identified in the coupon. The **printer,**

which is computer-controlled, is linked to at least one manufacturer whose product is

available in the supermarket, the manufacturer (vendor) instructing the printer as to the data to be

printed. The printer, when actuated by the shopper, prints on a universal coupon blank (coupon

template) the identity of the manufacturer's product and the discount to which the holder or

shopper is entitled as determined by the manufacturer and the printed coupon is then being

dispensed or outputted. When the shopper purchases the required product and <u>redeems</u> the

printed coupon at a checkout counter at the supermarket, the shopper is accorded the specified

discount (the specified discount is being applied accordingly). In general, checkout counters at

the supermarkets or retailers' POSes, having coupon dispenser installations, are linked to each

respective manufacturer or vendor **to transmit thereto redemption data**, thereby completing

the closed loop **and the manufacturer (the at least one manufacturer or retailer) is being**

provided with a real-time readout or report of discount coupon <u>transactions (redeemed</u>

<u>coupon data or requested data or market data)</u> **so that on the basis of this readout or**

report, the manufacturer or retailer can alter or update a database containing the coupon

data or to simply alter the discount amount, <u>associated with a product coupon having a</u>

<u>determined coupon value,</u> <u>to be printed on future blank coupons (for the same product) in</u>

<u>response to the redemption data (market conditions) received from at least one retailer or</u>

<u>supermarket redeeming or honoring the printed coupon presented by the shopper</u>

<u>(receiving by the retailer or manufacturer requested data or post-redemption data and/or</u>

<u>transaction data, valuation data or market demand data, which are used to determine at least a</u>

<u>new coupon value related to at least one coupon having coupon data already stored in a local</u>

<u>database or kiosk database-</u>See abstract; col. 1: 9-17).

The present system enables a manufacturer to alter in real-time the discount value

associated with a product and corresponding with future printed coupons dispensed within

retailers' locations or supermarkets' based on received redemption data (redemption rate) related

to printed coupon identifying the product (col. 1. 66: to col. 2: 50. Here, it is desirable, that if a

new product is being heavily promoted by way of discounts coupons, that these coupons be made

directly available to shoppers at the supermarket, for most shopper decisions are made at a point

of purchase, not when the shopper sees a coupon in a magazine or newspaper. **Also desirable is**

that the manufacturer be advised on-line, as it were, in regard to the volume of sales of a

particular discounted item, for then should the volume be disappointing, he can further

mark down the item by increasing the discount, or should the volume be greater than

anticipated, he can decrease the discount (<u>determining a coupon value based on the current

<u>market data and, once determined or computed, this information or the determined</u>

<u>coupon value should be communicated or provided to the product manufacture, vendor or</u>

<u>retailer</u>-(col. 4: 15-26).

Once again, Spector discloses a coupon printer-dispenser located at each supermarket and

linked by satellite or other means to a computer station at the headquarters of at least one

manufacturer (vendor) of a particular product, and the discount amount to be printed on the

coupon or rebate is determined at headquarters and can be changed in real-time in response to the

real-time receipt of redemption data, thereby keeping with promotional requirements or market

conditions). **Also is provided a closed loop interactive system in which the volume of coupon**

<u>redemption transactions</u> which take place at each supermarket is transmitted to the

manufacturer's headquarters, from which volume the manufacturer can evaluate the

effectiveness of his promotional campaign. The use of the closed loop system enables the

manufacturer (or at the least one vendor) to evaluate the effect of specific discount amounts

on shoppers and to tailor the discount on a particular product so as best to promote the

sale of the particular product. Further, the system is also configured to associate discount

coupons with UPC bar code indicia, imprinted thereon, so that when a coupon is <u>redeemed,</u> data

as to the <u>transaction</u> can be recorded at a supermarket computer terminal in digital terms and can

also be transmitted to the manufacturer's headquarters.

Briefly stated, these objects are attained in a closed-loop computer-controlled

merchandising coupon system which includes a coupon printer-dispenser installed at each

supermarket, making it possible for a shopper to receive a merchandising coupon entitling him to

a specified discount on the product identified in the coupon. The printer, which is computer-

controlled, is linked to at least one manufacturer whose product is available in the supermarket,

the manufacturer instructing the printer as to the data to be printed thereon. The printer, when

actuated by the shopper, prints on a universal coupon blank the identity of the manufacturer's

product and the discount to which the holder is entitled as then determined by the manufacturer,

the printed coupon then being dispensed. When the shopper purchases this product, featured on

the printed coupon, and redeems the coupon at a checkout counter at the supermarket, he is

accorded the specified discount. Checkout counters at the supermarkets having coupon dispenser

installations therein are linked to each manufacturer, thereby completing the loop and the

manufacturer being provided with a readout or report of discount coupon transactions so that on

the basis of this readout, he can alter the discount amount to be printed on the blank coupon.

See col. 4: 30 to col. 5: 20; figs 1-4.

Finally, in the present system, the discount to be accorded is determined not long in

advance of a sale (or is determined in substantially real-time), but on the day of the sale when an

announcement of the sale appears on electronic sign 10 within a retailer's location. The typical

manufacturer of products, sold in supermarkets, has a line of diverse products, and what he

instructs dispenser 12 is which product identification and size to print and also the discount to be

accorded this product. The shopper 20 then takes the printed coupon 17 and goes to a shelf to

remove the product therefrom. He puts the product in his shopping cart along with other products

to be purchased. At the checkout counter, the store clerk not only scans on a reader the UPC code on the purchased product subject to discount, but he also scans the UPC code on the machine-readable discount coupon to record in a local computer terminal 22 associated with the checkout counter the discount given to the product. The data regarding coupon discount transactions, which are entered into computer terminal 22 are transmitted by a satellite, cable, telephone or other link to computer station 19 at the manufacturer's headquarters, thereby closing the loop. **Thus at the headquarters, one or a vendor or a manufacturer of a product is able not only to instruct the printer-dispenser 12 of fig. 2 what coupons to print and the discount to be given the product on sale, but also to see and evaluate the reaction to the sale, for headquarters are informed as to the volume of coupon transactions in all supermarkets throughout the system. And headquarters or respective vendors can on the basis of incoming information (redemption data or market conditions) raise or lower the discount being given on a particular product or item so as to best promote the given product without unduly lowering its price. Hence in this system, the manufacturer interacts with the retail operation, and both the manufacturer and the retailer benefit from this interaction. It is herein understood that when one part (coupon value) of the stored coupon data related to a product from a vendor is modified in response to incoming redemption information (market conditions), then all subsequently printed coupons corresponding to the product will be altered accordingly.**

See (Col. 6: 43 to col. 7: 9; See claims 1, and 3-4).

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to

Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally

be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached

at (571) 272- 6724.

Non-Official- 571-273-6719.
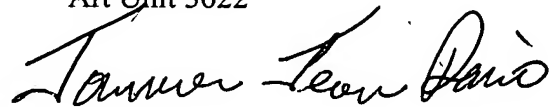
Official Draft : 571-273-8300

06/20/07

Jean D. Janvier

JDJ   **Patent Examiner**

Art Unit 3622